

Original sponsor: Judiciary Committee

Offered: 2/23/82
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

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CS FOR SENATE BILL NO. 692 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the duties of coroners and the
7 coroner's inquest."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. AS 12.65.020 is amended to read:

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Sec. 12.65.020. DUTIES. When a person dies unattended by a physi-
11 cian, or when no physician is prepared to execute the certificate of
12 death prescribed by the Vital Statistics Act, the coroner [DISTRICT
13 JUDGE OR MAGISTRATE] assigned to serve the place where the death occurs
14 may, by written order, direct a medical examiner to view the remains of
15 the deceased person and to perform the post mortem examination, includ-
16 ing an autopsy, [AS IS, IN THE OPINION OF THE MEDICAL EXAMINER,] neces-
17 sary to make a proper determination of the cause of death and to execute
18 the prescribed death certificate. Upon the completion of the examina-
19 tion, the examiner shall, without delay, submit a report of his findings
20 and conclusions to the coroner [DISTRICT JUDGE OR MAGISTRATE]. The
21 coroner [JUDGE OR MAGISTRATE] shall order an inquest under this chapter
22 if the findings and conclusions of the medical examiner, together with
23 other information available to the coroner [JUDGE OR MAGISTRATE], warrant
24 the inquest. Otherwise he shall enter an order dispensing with the
25 inquest and shall record the certificate of death as prescribed by law.

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* Sec. 2. AS 12.65.030 is amended by adding a new subsection to read:

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(b) Public administrators shall serve as coroners as provided by
28 AS 22.15.310 and 22.15.350.

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* Sec. 3. AS 12.65.040 is amended to read:

1 Sec. 12.65.040. INQUIRY INTO CAUSE OF DEATH. The coroner shall,
2 when he is informed that a person has been killed by another or has
3 suddenly died under such circumstances as to afford a reasonable ground
4 to suspect that his death has been occasioned by criminal means or he
5 has committed suicide, inquire by the intervention of a jury into the
6 cause and manner of the death, and perform [THE] other related duties
7 [INCIDENTAL THERETO] in the manner prescribed by law, unless the death
8 is or will be inquired into by the grand jury, in which case an inquest
9 by jury under this section is not required. The coroner shall go to the
10 place where the dead person is, or, in the alternative, arrange for a
11 peace officer to do so and report his findings to the coroner, on the
12 basis of which the coroner may proceed with an inquest if an inquest is
13 warranted.

14 * Sec. 4. AS 12.65.050 is amended to read:

15 Sec. 12.65.050. SUMMONING JURORS FOR INQUEST. If an inquest is
16 warranted, the coroner shall immediately summon six persons qualified by
17 law to serve as jurors to appear before him at a specified place to
18 inquire into the cause and manner of the death.

19 * Sec. 5. AS 12.65.060 is amended to read:

20 Sec. 12.65.060. OATH OF INQUEST JURORS. When six jurors attend,
21 they shall be sworn by the coroner to inquire who the person was and
22 when, where, and by what means he came to his death, and to inquire into
23 the circumstances attending his death, and to give a true verdict accord-
24 ing to the evidence [OFFERED THEM OR ARISING FROM THE INSPECTION OF THE
25 BODY].

26 * Sec. 6. AS 12.65.070 is amended to read;

27 Sec. 12.65.070. SUBPOENA AND EXAMINATION OF WITNESSES. The cor-
28 oner shall, if necessary to determine the material facts relating to
29 the death, [DISTRICT JUDGE OR MAGISTRATE MAY] subpoena and examine as

1 witnesses persons who, in his opinion, have knowledge of the material
2 facts [, AND ALSO AN APPOINTED MEDICAL EXAMINER WHEN AVAILABLE, OR
3 OTHERWISE A PHYSICIAN, WHO SHALL EXAMINE THE BODY AND GIVE PROFESSIONAL
4 OPINION AS TO THE CAUSE OF THE DEATH. THE TESTIMONY SHALL BE REDUCED TO
5 WRITING].

6 * Sec. 7. AS 12.65.080 is amended to read:

7 Sec. 12.65.080. VERDICT OF INQUEST JURY. After hearing the testi-
8 mony, the jury or two-thirds of its [THEIR] number shall give its written
9 verdict, signed [BY THEM] and setting out [FORTH]

10 (1) the name of the deceased [PERSON KILLED] and when, where,
11 and by what means he came to his death; and

12 (2) if he was killed or his death was occasioned by the act
13 of another by criminal means, who it believes is guilty.

14 * Sec. 8. AS 12.65.090 is amended to read:

15 Sec. 12.65.090. NOTIFICATION OF PROSECUTING ATTORNEY [WARRANT FOR
16 ARREST OF PERSON CAUSING DEATH]. If the jury finds that a [CRIME WAS
17 COMMITTED IN THE] killing occurred by criminal means [, AND ALSO CHARGES
18 A PERSON WITH THE COMMISSION OF THE CRIME], the coroner [, AS A DISTRICT
19 JUDGE OR MAGISTRATE,] shall submit the verdict to the prosecuting attor-
20 ney [IMMEDIATELY ISSUE A WARRANT FOR THE ARREST OF THAT PERSON].

21 * Sec. 9. AS 12.65.100 is amended to read:

22 Sec. 12.65.100. UNCLAIMED BODIES [BURIAL OF BODY]. When a person
23 dies [CORONER HOLDS AN INQUEST UPON A BODY], and no person [FRIEND OR
24 RELATIVE] appears to claim the body for burial, and no provision is made
25 for the body under AS 13.50, the coroner shall notify the Department of
26 Health and Social Services which shall cause the body to be plainly and
27 decently buried or cremated and the remains decently interred.

28 * Sec. 10. AS 12.65.110 is amended to read:

29 Sec. 12.65.110. INVENTORY AND DISPOSITION OF PROPERTY FOR UNCLAIMED

1 [ON] BODY. If a body is unclaimed as described in AS 12.65.100 and
2 money or other property belonging to the deceased is found [ON THE BODY],
3 the coroner [JUDGE OR MAGISTRATE] shall [MAKE AN] inventory [OF] it for
4 his records and take it into his possession. He shall, within 30 days
5 after interment [THE INQUEST], transmit a certified copy of the inventory
6 and the money or property to the public administrator of his judicial
7 district for disposition under AS 22.15.320 [CLERK OF THE SUPERIOR COURT.
8 THE CLERK SHALL CAUSE THE PROPERTY TO BE SOLD AS UPON EXECUTION AND
9 SHALL DEDUCT THE EXPENSES OF THE SALE FROM THE PROCEEDS. HE SHALL
10 DEPOSIT THE REMAINDER OF THE PROCEEDS OF THE SALE AND ANY MONEY DELIVERED
11 TO HIM BY THE JUDGE OR MAGISTRATE IN THE SAME MANNER AS MONEY COLLECTED
12 ON JUDGMENTS IN FAVOR OF THE STATE].

13 * Sec. 11. AS 22.15.350 is amended to read:

14 Sec. 22.15.350. OTHER DUTIES. In addition to his other duties, a
15 public administrator shall perform the duties set out in AS 22.15.110
16 and AS 12.65.020 - 12.65.110 and shall perform the duties of public
17 guardian as set out in AS 13.26.360 - 13.26.410.
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